

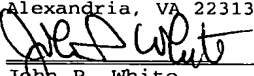
Applicants: Janaswamy Madhusudana Rao, et al.
Serial No.: 10/695,471
Filed: October 28, 2003
Page 2

In response to the Notice, applicants submit the Section entitled "Amendments to the Claims", attached hereto as **Exhibit B**, including the text of all claims not canceled and proper identifiers in compliance with the requirements of §1.121.

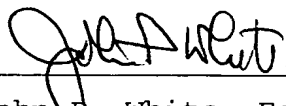
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if a fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


John P. White Date
Reg. No. 28,678



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EXHIBIT A



Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/695,471

Examiner

Michele Flood

Applicant(s)

RAO ET AL.

Art Unit

1655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 January 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Michele Flood/
Primary Examiner, Art Unit 1655

U.S. Patent and Trademark Office
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 20090507

Applicants : Janaswamy Madhusudana Rao, et al.
U.S. Serial No.: 10/695,471
Filed : October 28, 2003

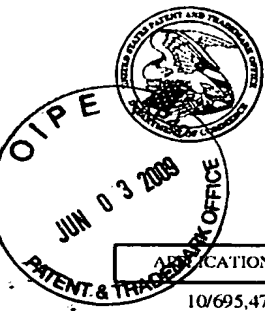
Exhibit A

Continuation of 4(e) Other: The listing of claims does not include cancelled Claims 13-53.

Claim 1, line 4, has been amended without any indication of amendment to the claim language. Presently, Claim 1, line 4, reads "Aparagus racemosus, Glycrrhiza glabra". However, in the amendment filed on 1/22/2008, the claim read "Asparagus racemosus, Glycyrrhiza". Thus, the terms "Aparagus racemosus" and "Glycrrhiza" are misspelled and the plant names are no longer italicized.

In the previously filed amendment each of the plant names recited in Claims 1, 2, 4, 6, 7 and 9-11 was italicized. However, the terms are no longer italicized and there is no indication of amendment to the claim language. Thus, each of Claims 2, 4, 6, 7 and 9-11 has not been provided with the proper status identifier.

In the previously filed amendment, the term "Trachyspermum roxburghianum" appeared in line 2 of Claim 6. However, the term has been omitted from the claim language without any indication of amendment to the text.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,471	10/28/2003	Janaswamy Madhusudana Rao	0640/71348/JPW/AG	5608

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7590

05/11/2009

EXAMINER

FLOOD, MICHELE C

ART UNIT	PAPER NUMBER
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1655

MAIL DATE	DELIVERY MODE
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05/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

EXHIBIT B



Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A herbal composition for the treatment of gastric ulcer, said composition comprising powdered plant parts selected from the group consisting of *Asparagus racemosus*, *Glycyrrhiza glabra*, *Sesamum indicum*, *Musa sapientum*, *Trachyspermum roxburghianum*, *Cyclea peltata*, *Embelia ribes*, *Coriandrum sativum*, ~~*Ferula asafetida*~~, *Aloe barbadensis* and *Evolvulus alsinoides*, a resin from *Ferula asafetida* and one or more pharmaceutically acceptable additives or carriers, wherein said composition comprises each of *Asparagus racemosus*, *Glycyrrhiza glabra*, *Sesamum indicum*, *Musa sapientum* and *Trachyspermum roxburghianum* in about equal proportions by weight and such about equal proportion has a value greater than zero.
2. (Previously Presented) The composition as claimed in claim 1, wherein the composition comprises powdered plant parts of each of *Asparagus racemosus*, *Glycyrrhiza glabra*, *Sesamum indicum*, *Musa sapientum* and *Trachyspermum roxburghianum* in equal proportions by weight, and one or more pharmaceutically acceptable additives or carriers.
3. (Cancelled)
4. (Previously Presented) The composition as claimed in claim 1, wherein the composition comprises powdered plant parts of each of *Asparagus racemosus*, *Glycyrrhiza glabra*, *Sesamum indicum*, *Musa sapientum*, *Trachyspermum roxburghianum*,

Evolvulus alsinoides, *Ferula asafetida*, *Coriandrum sativum*, *Cyclea peltata* and *Aloe barbadensis* in equal proportions by weight, and one or more pharmaceutically acceptable additives or carriers.

5. (Cancelled)
6. (Previously Presented) The composition as claimed in claim 1, wherein the plant part of each of *Trachyspermum roxburghianum*, *Embelia ribes* and *Coriandrum sativum* is a fruit.
7. (Previously Presented) The composition as claimed in claim 1, wherein the plant part of *Cyclea peltata* and *Glycyrrhiza glabra* is a root.
8. (Cancelled)
9. (Previously Presented) The composition as claimed in claim 1, wherein the plant part of *Asparagus racemosus* is a tuber.
10. (Previously Presented) The composition as claimed in claim 1, wherein the plant part of *Sesamum indicum* is a seed.
11. (Previously Presented) The composition as claimed in claim 1, wherein the plant part of *Musa sapientum* is an unripe fruit.
12. (Cancelled)
- 13-53. (Cancelled)